IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6764 of 2007()

(CRIME NO.210/02 OF PAZHAYANNUR POLICE STATION, RE-REGISTERED AS CRIME NO.140/03 OF C.B.C.I.D.ERNAKULAM)

PETITIONER/ACCUSED:

SUBAIR, S/O. MUHAMMEDALI,
VENGANELLUR DESOM, CHELAKKAR, THRISSUR DISTRICT.

BY ADV. SRI.C.A.CHACKO
SRI.M.B.VIMALRAJ
SRI.C.M.CHARISMA
SRI.N.A.SHAFEEK

RESPONDENT: COMPLAINANT;

THE STATE OF KERALA, REPRESENTING
C.B.C.I.D., ERNAKULAM, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R.BASANT, J

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B.A.No. 6764 of 2007

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Dated this the 7th day of November, 2007

ORDER

Application for regular bail. Petitioner is the 5th accused. He faces allegations for offences punishable under Sections 465 and 489A,B and C read with 34 IPC. The crux of the allegations is that demand draft in the name of the State Bank of Hyderabad were allegedly forged and used as genuine. Investigation is already completed. Final report has already been filed. The learned Magistrate has taken cognizance. Committal proceedings has been registered and the same is pending as C.P.No.141/2007 pending before the Judical First Class Magistrate Court, Wadakkenchery.

2. The petitioner was arrested on 14.9.07. In view of the prior conduct of the petitioner he was not enlarged on bail. He consequently continues in custody from 14.9.07. The petitioner is involved in other crimes also. He was under detention in those crimes also. The learned counsel for the petitioner submits that the petitioner has already been ordered to be released on bail in those crimes.

3. The learned Public Prosecutor opposes the application, but only submits that appropriate conditions may be imposed to ensure that the petitioner shall be available for trial before the learned Magistrate. For the purpose of investigation he is not now required to be detained, submits the learned Public Prosecutor.

4. I am satisfied that bail can be granted to the petitioner subject to appropriate and strict conditions, which shall ensure that the petitioner shall be available for trial before the court concerned.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate. Considering the antecedents of the petitioner , the learned Magistrate must certainly ensure that the sureties offered are sufficient and solvent .

ii) He shall not leave the State of Kerala until further

orders, without the prior permission of the learned Magistrate.

iii) The petitioner shall report before the SH.O., Pazhayannur Police Station on all first Mondays of English calender months between 5 and 5.30p.m., until the case against him is disposed of.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE